

ONE HUNDRED EIGHTEENTH CONGRESS
Congress of the United States
House of Representatives
COMMITTEE ON ENERGY AND COMMERCE
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WASHINGTON, DC 20515-6115

Majority (202) 225-3641
Minority (202) 225-2927

September 19, 2023

The Honorable Michael S. Regan
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, D.C. 200460

Dear Administrator Regan:

Safe, clean drinking water is a fundamental right. It is therefore alarming that health departments reported nearly 10,000 cases of Legionnaires' disease in the United States in 2018, and I fear this number is likely underreported.¹ Nobody should have to worry that the water coming out of their tap will harm or kill them. So, I am pleased that the Environmental Protection Agency (EPA) identified the National Primary Drinking Water Regulation (NPDWR) for *Legionella* as a candidate for revision as part of its third Six-Year Review. I urge you to expeditiously complete your review of the Microbial and Disinfection Byproducts (MDBP) Rules and ensure it protects communities from microbial pathogens – like *Legionella* – so that we can protect public health.

While *Legionella* bacteria are found naturally in the environment, the bacteria can occur in the pipes, tanks, and other components of water systems, where the factors such as stagnant water, warm temperatures, and loss of residual disinfectants can lead to bacterial growth.² Aerosolized water contaminated with *Legionella* can cause Legionellosis, a respiratory disease that the Centers for Disease Control and Prevention (CDC) estimates hospitalizes 8,000 to 18,000 people each year in the United States.³ The National Academies of Science, Engineering and Medicine have estimated the number of people with Legionnaires' disease nationwide ranges

¹ Centers for Disease Control and Prevention, *Fast Facts* (<https://www.cdc.gov/legionella/fastfacts.html>) (accessed Aug. 31, 2023).

² The National Academies of Sciences, Engineering, and Medicine, *Management of Legionella in Water Systems* (Aug. 2019).

³ Centers for Disease Control and Prevention, *Legionnaires' Disease* (Jan. 24, 2014) (www.cdc.gov/about/pdf/facts/cdcdiscovery/discoveries-series---legionnaires.pdf).

from 52,000 to 70,000 each year.⁴ The Academies noted that “Legionnaires’ disease afflicts and kills more people in the United States than any other reported waterborne disease.”⁵

In my home state, the New Jersey Health Department announced last month it was investigating the spread of Legionnaires’ disease in Passaic and Bergen counties.⁶ This is the latest of several outbreaks reported in New Jersey over the past year – which have resulted in at least two deaths.⁷ We appreciate EPA working with New Jersey to investigate the source of *Legionella* and taking steps to address any *Legionella* present in the water system.

EPA established the MDBP Rules, a set of regulations that address risks from microbial pathogens and disinfection byproducts, which EPA believes also addresses *Legionella*. Unfortunately, the incidence of Legionnaires’ disease has increased more than five-fold from 2000 to 2017 in the United States.⁸

Under Section 1412 of the Safe Drinking Water Act, EPA is required to review and revise, as appropriate, each National Primary Drinking Water Regulation (NPDWR) every six years to determine whether there is new information to support a regulatory revision that will improve or strengthen public health protection.⁹ EPA identified several NPDWRs – including *Legionella*, as candidates for potential regulatory revision as part of its “Six Year Review”.

I support this determination and appreciate EPA’s engagement with the public, experts, and other stakeholders to inform potential revisions. Such engagement backed by science will provide valuable insight to update this rule. For example, new research has been published since the previous iteration of the MDBP Rules and several states have taken additional steps to address *Legionella*. This new data and state actions, coupled with the fact that Legionnaires’ disease has increased more than five-fold, should help inform potential MDBP Rules revisions to better protect the American people.

In New Jersey, Senate Majority Leader Teresa Ruiz has proposed legislation that would set a numeric disinfectant residual value to address *Legionella*. Other approaches, such as removing organic matter from source water, can reduce both microbial risks and disinfection byproduct threats simultaneously.¹⁰ EPA should also consider more robust water monitoring and

⁴ See note 2.

⁵ The National Academies of Sciences, Engineering, and Medicine, *Stronger Policies Needed to Protect the Public from Legionnaires’ Disease* (Aug. 14, 2019) (news release).

⁶ *NJ Investigating Another Legionnaires’ Outbreak in North Jersey*, NJ.com (Aug. 14, 2023) (www.nj.com/news/2023/08/nj-investigating-another-legionnaires-outbreak-in-north-jersey.html).

⁷ *Id.*

⁸ See note 2.

⁹ 42 U.S.C. § 300(f).

¹⁰ Environmental Protection Agency, *Preliminary EPA Perspectives on Disinfection Byproducts* (Oct. 26, 2020) (EPA-HQ-OW-2020-0486-0013).

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testing and improved communication with customers regarding risks and testing results when undertaking rules revisions. I encourage you to strongly consider effective strategies for reducing risks and improving water safety, including those successfully implemented by states, as you review and update these rules.

A science-driven review and revision of the MDBP Rules provides a significant opportunity to improve health outcomes for communities across the nation. I urge EPA to expeditiously complete its review of the MDBP Rules to protect communities from opportunistic microbes like *Legionella* while also ensuring communities are not exposed to dangerous disinfectant byproducts.

Thank you for your attention to these important matters. If you have any questions, please contact Timia Crisp with the Committee staff at (202) 225-2927.

Sincerely,

A handwritten signature in blue ink that reads "Frank Pallone, Jr." in a cursive script.

Frank Pallone, Jr.
Ranking Member
Committee on Energy and Commerce